

Exhibits from Joint Judicial Notice Request Filed 5-9-22

<u>Exhibit No.</u>	<u>DESCRIPTION</u>	<u>JNR Volume #</u>	<u>JNR Page #</u>	<u>ECF* Dkt # + Page #</u>
1	Resolution 1322-1995, approving Text Amendment N 950384 ZRY ("1995 Ordinance")	1	20-34	147-1 Page 4
2	Resolution 0208-1998, approving Text Amendment N 980135 ZRY ("1998 Amendments"), as published in Vol. I of Proceedings of the Council of the City of New York for the period January 7, 1998 to June 24, 1998	1	35-56	147-1 Page 19
3	Resolution 2096-21, approving Text Amendment N 010508 ZRY ("2001 Amendments"), as signed by the Clerk of the City of New York	1	57-74	147-1 Page 41
4	Portions of NYC Council Resolution 586-24 amending ZR 32-01 & 42-01 regarding adult businesses ("2004 Amendments"), as published in Vol. II, Part I, of Proceedings of the Council of the City of New York for the period July 21, 2004 to December 15, 2004	1	75-81	147-1 Page 59
5	Portions of NYC Council Resolution 0499-2010 amending, ZR 32-01 & 42-01 regarding adult businesses) ("2010 Amendments"), as published in Vol. II, Part I, of Proceedings of the Council of the City of New York for the period July 29, 2010 to December 20, 2010	1	82-89	147-1 Page 66
6	Directive 14 of 1975 (authorizing professional certification of applications for building permits by architects and engineers)	1	90-92	147-1 Page 74
7	OPPN 17/95 (prohibiting professional certification of adult establishment filings by architects and engineers)	1	93-108	147-1 Page 77
8	OPPN 6/96 (reaffirming prohibition on professional certification of filings related to adult establishments by architects and engineers)	1	109-116	147-1 Page 93
9	OPPN 7/96 (defining "place of worship" and "church")	1	117-118	147-1 Page 101

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10	OPPN 8/96 (describing methodology for measuring separation between adult establishments and other adult establishments or sensitive receptors)	1	119-123	147-1 Page 119
11	OPPN 4/98 (definition of "substantial portion")	1	124-126	147-1 Page 108
12	OPPN 6/98 (explanation of "substantial portion" in context of multiple uses)	1	127-129	147-1 Page 111
13	OPPN 5/02 (clarifying procedures for professional certification by architects and engineers)	1	130-135	147-1 Page 114
14	OPPN 7/02 (clarifying procedures for securing "priority" as an adult establishment)	1	136-138	147-1 Page 120
15	OPPN 1/04 (clarifying procedures for professional certification by architects and engineers)	1	139-149	147-1 Page 123
16	Buildings Bulletin 2016-010 (describing procedures for professional certification)	1	150-153	147-1 Page 134
17	Buildings Bulletin 2020-005 (describing procedures for processing building permit applications for adult establishments in the event that the 2001 Amendments are upheld)	1	157-157	147-2 Page 4
18	Adult Establishment Applications (handbook from DOB website)	2	158-168	147-2 Page 5
19	Excerpts from DOB "Place of Assembly" guide (https://www1.nyc.gov/assets/buildings/pdf/code_notes_place-of-assembly.pdf)	2	169-170	147-2 Page 16
20	NYC DCP "Manufacturing Districts: M3" webpage (https://www.l.nyc.gov/site/planning/zoning/districts-tools/m3.page)	2	171-172	147-2 Page 18
21	NYC Department of City Planning "Manufacturing Districts: January 1, 2002 to January 1, 2012" webpage (https://www.l.nyc.gov/site/planning/zoning/districts-tools/mfg-districts-2002-2012.page)	2	173-175	147-2 Page 20

22	DCP "Use Groups" webpage (https://www.l.nyc.gov/site/planning/zoning/districts-tools/use-groups.page)	2	176-179	147-2 Page 23
23	DCP "Manufacturing Districts: Overview" webpage (https://www.l.nyc.gov/site/planning/zoning/districts-tools/mfg-districts.page)	2	180-181	147-2 Page 27
24	DCP City Planning History webpage (https://www.l.nyc.gov/site/planning/about/city-planning-history.page)	2	182-185	147-2 Page 29
25	DCP "Community-Based Planning" webpage (https://www.l.nyc.gov/site/planning/community/community-based-planning.page)	2	186-191	147-2 Page 33
26	DCP "Special Purpose Districts: Citywide" webpage (https://www.l.nyc.gov/site/planning/zoning/districts-tools/special-purpose-districts-citywide.page)	2	192-198	147-2 Page 39
27	DCP "Special Purpose Districts" webpage (https://www1.nyc.gov/site/planning/zoning/districts-tools/special-purpose-districts.page)	2	199-199	147-2 Page 46
28	DCP Press Release, November 15, 2011, containing "Mayor Michael Bloomberg's Remarks at Zoning the City Conference, as Delivered by Deputy Mayor Robert K. Steel" (https://www1.nyc.gov/assets/planning/download/pdf/about/press-releases/pr111511.pdf)	2	2-202	147-2 Page 47
29	DCP's portion of the Mayor's Management Report, dated September 2012 (http://www.nyc.gov/html/ops/downloads/pdf/mmr0912/dcp.pdf)	2	203-206	147-2 Page 50

30	Excerpts from NYC's Risk Landscape: A Guide to Hazard Mitigation, Coastal Erosion Chapter 4.2, developed by the NYC Emergency Management in Partnership with the DCP and Close Collaboration with the NYC Mayor's Office of Recovery and Resiliency https://www1.nyc.gov/assets/em/downloads/pdf/hazard_mitigation/nycs_risk_landscape_a_guide_to_hazard_mitigation_final.pdf)	3	209-222	147-3 Page 3
31	Map from the NYC Flood Hazard Mapper generated by the DCP depicting current general citywide floodplain data (https://www1.nyc.gov/site/planning/data-maps/flood-hazard-mapper.page) (visited March 11, 2019)	3	223	147-3 Page 17
32	Maps generated from the DCP database, visited March 11, 2019, indicating, in blue, the floodplain information (effective flood insurance rate maps for 2007 and 2015) and coastal zone boundary for each of the 39 lots identified by the City as allowing adult use establishments (https://zola.planning.nyc.gov/about/#9.72/40.7125/-73.733)	3	224-262	147-3 Page 18
33	Excerpts from FDNY "Theater Inspections, Maintenance and Recordkeeping" Rules (https://www1.nyc.gov/assets/fdny/downloads/pdf/about/fdny-rules.pdf)	3	263-267	147-3 Page 57
34	MTA Staten Island Railway ("SIR") System Map (http://web.mta.info/nyct/maps/simap.htm)	3	268	147-3 Page 62
35	MTA Bridges and Tunnels Tolls (http://web.mta.info/bandt/traffic/btmain.html#cars)	3	269-272	147-3 Page 63
36	Zoning and the Comprehensive Plan, James A. Coon Local Government Technical Series, Revised 2015 (https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf)	4	275-292	147-4 Page 3
37	(Former) Title 27, Chapter 1, Article 9 ("Approval of Plans") Repealed 2008	4	293-295	147-4 Page 21

38	(Former) Title 27, Chapter 1, Article 10 ("Permits"), Repealed 2008	4	296-297	147-4 Page 24
39	(Former) Title 27, Chapter 1, Article 19 ("Issuance of Permits") relevant sections), Repealed 2008	4	298-299	147-4 Page 26
40	(Former) Title 27, Chapter 1, Article 22, Section 27-217 ("Certificates of Occupancy / Change of Occupancy or Use"), Repealed 2008	4	300	147-4 Page 28
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41-2	Page 22 of the DCP Adult Entertainment Study	5	400	147-5 Page 8
41-3	1995 City Planning Commission Report	5	401-478	147-5 Page 9
42	March 21, 21 DCP Application No. N 010508 ZRY (to amend the ZR definition of adult establishment)	5	479-489	147-5 Page 87
43	CEQR Negative Declaration No. 01DCP045Y of March 26, 2001, and Environmental Assessment Statement No. 01DCP045Y filed March 26, 2001	5	490-554	147-5 Page 98
43-1	2000 List of Adult Establishments [Appendix A to CEQR Negative Declaration of March 26, 2001]	5	555-559	147-5 Page 163
43-2	Comparison of Numbers of Adult Establishments in 1993 and 2000 [Appendix B to CEQR Negative Declaration]	5	560	147-5 Page 168
44	Transcript of New York City Planning Commission Public Hearing held May 23, 2001	6	563-638	147-6 Page 3
45	August 8, 2001 New York City Planning Commission Report (Complete)	6	660-840	147-6 Page 80

45-1	Pages 6-7 of the 21 NYC Planning Commission Report (discussing numbers and location – by Boroughs – of adult businesses)	6	841-842	147-6 Page 261
46	Transcript of New York City Planning Commission Public Hearing held August 8, 2001	6	843-854	147-6 Page 263
47	Transcript of October 1, 2001 Hearing of Zoning and Franchises Subcommittee of New York City Council	6	855-895	147-6 Page 275
48	Correspondence between Edward S. Rudofsky and New York City Council (October 9, 2001), and David Karnovsky and New York City Council (October 24, 2001)	7	898-905	147-7 Page 3
49	Transcript of October 25, 2001 Meeting of Zoning and Franchises Subcommittee of New York City Council	7	906-916	147-7 Page 11
50	Transcript of October 25, 2001 Meeting of Land Use Committee of New York City Council	7	917-923	147-7 Page 22
51	Transcript of October 31, 2001 Meeting of the New York City Council	7	924-1035	147-7 Page 29
52	Affidavit of David Karnovsky, Counsel to the New York City Department of City Planning, sworn to October 23, 2002, filed in State Action (Index No. 121197/2002) on October 25, 2002 (without internal exhibits)	7	1036-1071	147-7 Page 141
53	Excerpts from Affidavit of David Karnovsky, sworn to October [date left blank] 2002, filed in State Action (Index No. 121080/02) on unknown date	7	1072-1080	147-7 Page 177
54	Relevant pages from transcripts of evidentiary hearing in State Action (Index No. 121197/22) in Supreme Court, New York County, on February 23 through March 2, 2009	8	1083-1309	147-8 Page 3
55	Excerpt from Respondents' Brief of City of New York, et al., filed in NY Court of Appeals re Index Nos. 113049/96, 103568/96 and 103569/96, dated December 11, 1997	8	1310-1313	147-8 Page 230

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57	Maps (Reduced Size Versions) Generated by the DCP of Manhattan, Brooklyn, Bronx, Queens, and Staten Island, based on 1993-1995 data, indicating "Areas Where Adult Uses Would Continue to be Allowed Under the Proposal and Encumbered Property Within those Areas", filed in State Actions (Index Nos. 103568/96 and 103569/96) as Exhibit RR to the Affidavit of Andrew S. Lynn, dated September 17, 1996	8	1324-1328	147-8 Page 244
58	Maps generated by the DCP depicting the reduction in permissible areas for adult businesses based on Zoning Changes between 1995 and 2001, filed in State Action (Index No. 121080/02) on October 17, 2002, as Exhibit S to the Affidavit of David Karnovsky	8	1329-1343	147-8 Page 249
59	Litigation Management Agreement dated September 25, 2017 (Exhibit B to March 2, 2018 letter from Plaintiffs to Hon. William Pauley)	8	1344-1351	147-8 Page 264
60	Stipulation and Agreement, dated August 2, 2017, executed by Erica T. Dubno, counsel for the Bookstore Plaintiffs, and Assistant Corporation Counsel Sheryl Neufeld, counsel for the City of New York	9	1355-1360	147-9 Page 4
61	Moss and Quing, "The Dynamic Population of Manhattan", Rudin Center for Transportation Policy and Management of the New York University Wagner School of Public Service (2012) (https://wagner.nyu.edu/files/faculty/publications/dynamic_pop_manhattan.pdf)	9	1361-1385	147-9 Page 10

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| 62 | Linz and Paul, "Measuring the Secondary Effects of 60/40 Businesses in New York City: A Study of Calls For Service to the Police", including Figures and Tables (2005) (Exhibits 6 and 6A admitted into evidence at evidentiary hearing held on February 23 through March 2, 2009 in <i>Ten's Cabaret, Inc. v. City of New York</i> , Supreme Court, New York County, Index No. 121197 /2002 | 9 | 1386-1436 | 147-9
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| 63 | Freeman, "Examining The Relationship Between Businesses That Comply With the ' 60/40' Zoning Regulations and Surrounding Property Values in New York City" (2008) (Exhibit 8 admitted in evidence at evidentiary hearing held on February 23 through March 2, 2009 in <i>Ten's Cabaret, Inc. v. City of New York</i> , Supreme Court, New York County, Index No. 121197 /2002 | 9 | 1437-1471 | 147-9
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| 64 | Focus Probe, Inc., "Perceived Differences Between Adult Entertainment Clubs With ' Subdued Facades ' vs. 'Loud Facades', with photographs (Exhibits 12, 12A, 12B and 12C admitted in evidence at evidentiary hearing held on February 23 through March 2, 2009, in <i>Ten's Cabaret, Inc. v. City of New York</i> , Supreme Court, New York County, Index No. 121197 /2002) | 9 | 1472-1495 | 147-9
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| 65 | Charles V. Bagli, "Going Out With a Building Boom, Mayor Pushes Billions in Projects", N.Y. Times, Dec. 15, 2013 (https://nyti.ms/1hVKOOQ) | 9 | 1496-1500 | 147-9
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| 66 | Ford Fessenden, "The Bloomberg Years: Reshaping New York", N.Y. Times, Aug. 18, 2013 (interactive feature) (http://www.nytimes.com/newsgraphics/2013/08/18/reshaping-new-york/index.html) | 9 | 1501 | 147-9
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| 67 | Jonathan Lemire, "Michael Bloomberg's NYC Mayoralty Comes to an End", Associated Press, Jan. 1, 2014 (https://www.dailyfreeman.com/news/michael-bloomberg-s-nyc-mayoralty-comes-to-an-end/article901c8f2f-labd-5l50-b23d-9fc9674265b3.html) | 9 | 1502-1503 | 147-9
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68	James Dao, "The 1993 Elections: Staten Island; Secession is Approved; Next Move is Albany's", N.Y. Times, Nov. 3, 1993 (https://www.nytimes.com/1993/11/03/nyregion/the-1993-elections-staten-island-secession-is-approved-next-move-is-albany-s.html)	9	1504-1506	147-9 Page 151
69	List of 28 "Manhattan Lots Identified By Both City and Plaintiffs as Legally Permissible for Adult Use Establishments and Where Both Plaintiffs and Defendants Agree That At Least <i>Some</i> Types of New Commercial Business Could Legally Be Established" as of October 31, 2018	9	1507-1507	147-9 Page 154
70	List of 36 "Existing Manhattan Lots That Allow[ed] Adult Use Establishments" as of October 31, 2018	9	1508-1508	147-9 Page 155
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74	2019 Times Square Alliance Chart entitled "Annual Crime in Times Square"	10	1595	147-10 Page 87
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EXHIBITS IN DECLARATIONS

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15 DOB Adult Establishment Applications Handbooks		62 Page 65
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4 DCP Reports and Press Clippings on Effectiveness of
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5 DCP Report Detailing Reduction of Manufacturing Districts
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8 List of Certified Rezonings that Impact Manufacturing Use

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DECLARATION OF DOB BOROUGH COMMISSIONER
RODNEY GITTENS

19-May-23

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